



Niger

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Niger returned to democracy in 1999, following coups d'etat in 1996 and 1999, and continued efforts to consolidate a democratic system and a constitutional government. Tandja Mamadou was elected president in 1999 with 60 percent of the vote in an election that international observers called generally free and fair. The National Movement for the Development of Society and the Democratic and Socialist Convention (MNSD/CDS) coalition, which backed Tandja, won 55 of the 83 seats in the National Assembly. In 2000 Tandja appointed MNSD member Hama Amadou as Prime Minister. The Government continued to make some progress toward democratization and political modernization, including instituting a transparent budget process and auditing the military budget. In August soldiers stationed in Diffa mutinied and took several of their commanding officers hostage, and soldiers in Niamey mutinied briefly, staging an unsuccessful raid on an armory. Both mutinies ended after loyalist forces intervened and negotiations ensued. The judiciary continued to show signs of independence; however, family and business ties could influence lower court decisions.

Security forces consisted of the army, the Republican Guard, the gendarmerie (paramilitary police), and the national police. The police and gendarmerie traditionally have primary responsibility for internal security. Civilian authorities generally maintained effective control of the security forces. In a 2000 statement, the armed forces publicly pledged to abide by the rules of democracy and stay out of politics, and during the year, the armed forces abided by their pledge. Some members of the security forces committed human rights abuses.

The country's population was approximately 11.2 million. The economy was based mainly on subsistence farming, herding, small trading, and informal markets. Approximately 15 percent of the economy was in the formal sector, primarily in light industry and government services. Approximately 63 percent of the population lived on less than a \$1 a day and the country's per capita income was less than \$200 a year. Drought, deforestation, soil degradation, and exceedingly low literacy were problems. The economy remained severely depressed.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Security forces killed one person while forcibly dispersing a demonstration. There were reports that members of the security forces tortured, beat, and otherwise abused persons. Prison conditions remained poor, and arbitrary arrest and detention remained problems. Delays in trials resulted in long periods of pretrial confinement. The judiciary also was subject to executive and other influence. The Government limited at times the freedom of movement for security reasons. Security forces infringed on citizens' privacy rights. The Government limited freedom of the press. Security forces forcibly dispersed several demonstrations during the year. The Government generally respected the right to association; however, several Islamist organizations that engaged in or threatened violence remained banned. Domestic violence and societal discrimination against women continued to be serious problems. Female genital mutilation (FGM) persisted, despite government efforts to combat it. There was societal discrimination against persons with disabilities and ethnic and religious minorities. Worker rights generally were respected; however, there were reports that a form of slavery or servitude was practiced. Child labor occurred, including child prostitution. There were reports of trafficking in persons. Niger was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings; however, in early February, security forces killed one person and injured several others when they shot into a crowd of protesters (see Section 2.b.). During the military's intervention in the August mutinies, two soldiers were killed (see Section 3).

There were no developments, nor are any likely, in the March 2001 attempt to reopen an investigation of the 1999 assassination of President Ibrahim Mainassara Bare.

The Lake Chad area continued to be patrolled by a Nigerian-Nigerien-Chadian joint military force. During the year, with the exception of the August mutinies (see Section 3) and two incidents in N'Guigmi, the overall area became more secure, and intercommunal conflict continued to decline. The integration of former combatants continued, although some tensions remained. Security along the border still was a concern due to the Toubou rebellion in Chad, highway crime in northern Nigeria, the long history of clan rivalries, armed robberies, and the trafficking of weapons and narcotics through the area.

b. Disappearance

There were no reports of politically motivated disappearances.

There were no developments, nor are any likely, in the 2000 case of the disappearance of two army sergeants, who allegedly were involved in the kidnaping of Major Djibrilla Hima.

The mutineers briefly held hostage officers assigned to their unit in Diffa; however, during negotiations to resolve the mutinies, the mutineers released their hostages unharmed (see Section 3).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, police occasionally tortured, beat, and otherwise abused persons.

In February there were reports of police torture in N'Guigmi (see Section 1.d.). By year's end, the Government had not investigated these reports of torture; however, it reassigned several police officers from this region to the Criminal Investigation Unit in Niamey during the year.

Three gendarmes from Torodi were arrested for excessive use of force during the investigation in late April of four persons suspected of armed assault on a Dogona villager. During the interrogation, the gendarmes tortured two of the detainees so badly that they were evacuated to the Say District Hospital on May 7. Subsequently, the Minister of Justice issued a statement that called for those in positions of public authority to respect the rights and liberties of citizens. The gendarmes were awaiting trial at year's end.

On several occasions during the year, police used tear gas and water cannons to disperse student protests. There were reports of several injuries (see Section 2.b.).

No action was taken against the police officers that allegedly beat students in detention after forcibly dispersing a February 2001 demonstration.

Conditions in all 35 of the country's prisons were poor and life threatening. Prisons were underfunded, understaffed, and overcrowded. For example, in Niamey's Civil Prison, there were approximately 550 prisoners in a facility built for 350; 445 of these were awaiting trial at year's end. Family visits were allowed, and prisoners could receive supplemental food and other necessities from their families. Prisoners were segregated by gender, and minors and adults were incarcerated separately. Pretrial detainees were housed with convicted prisoners. The Government did not put significant resources into guard training, and prison conditions did not improve despite a promise from the Minister of Justice to reform the prison system after a 1999 incident in which 29 prisoners died in Niamey Central Prison. Nutrition and health conditions improved slightly due to nongovernmental organizations' (NGOs) access to prisons.

Corruption among prison staff was rampant. There were credible reports that prisoners could bribe officials to leave prison for the day and serve their sentences in the evenings. Prisoners also could claim illness and serve their sentences in the national hospital.

Human rights observers, including the International Committee of the Red Cross (ICRC), were granted unrestricted

access to prisons and detention centers and visited them during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the law prohibits detention without charge in excess of 48 hours; however, police at times violated these provisions, and arbitrary arrest and detention were problems. If police failed to gather sufficient evidence within the detention period, the prosecutor can give the case to another officer, and a new 48-hour detention period began. The law provides for a right to counsel, although there was only one defense attorney known to have a private practice outside the capital. A defendant had the right to a lawyer immediately upon detention. The Government provided a defense attorney for all indigents in felony cases, including minors. Bail was available for crimes carrying a penalty of less than 10 years' imprisonment. Widespread ignorance of the law and lack of financial means prevented the accused from taking full advantage of these rights. Police, acting under authority given them by the Security Law, occasionally conducted sweeps to detain suspected criminals.

In February police arrested and detained for investigation 21 persons in N'Guimgi for 27 days. By law temporary custody should not exceed 48 hours. Police arrests for investigation were not uncommon in this area of the country. Due to the unstable security situation in the area, security forces at times abused civilians or committed other violations (see Section 1.c.).

There were several reports that journalists were arrested during the year (see Section 2.a.).

Following the August mutinies, gendarmes arrested 272 persons (see Section 3). Three of the military officers arrested and later released in connection with the 2000 kidnaping of a senior military officer, Major Djibrilla Hima, were rearrested for alleged involvement in the August mutiny (see Section 3). Of the 272 detainees, 124 were detained in Zinder, the rest were in Niamey. At the year's end, most were detained under the "preventative detention" provisions of the law.

The two students detained in February 2001 went on a hunger strike and on July 24 were transferred to Niamey National Hospital; however, after receiving care and ending their hunger strike, they were sent back to prison in Tillaberi, and they remained in detention without charge at year's end.

Following the 2000 Maradi riots, police arrested approximately 100 persons in Maradi and others in Niamey. In May 2001, the prisoners held in Niamey were released, and the one person in Maradi charged with unauthorized demonstration and threatening public order was released by year's end.

The judicial system faced a serious problem of overload. There were legal limits to the pretrial confinement period of indicted persons; however, detention frequently lasted months or years; some persons have been waiting as long as 6 years to be charged. The Justice Ministry has made efforts to accelerate the trial process that included proposed reforms of the justice system, which were expected to be debated in the 2003 National Assembly session. Of the 550 inmates in Niamey's Civil Prison, approximately 445 were detainees awaiting trial or charges.

The Constitution prohibits forced exile, and there were no reports of its use.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary occasionally was subject to executive interference. Although the Supreme Court on occasion has asserted its independence, human rights groups claimed that family and business ties influenced lower courts. Judges sometimes feared reassignment or having their financial benefits reduced if they rendered a decision unfavorable to the Government. However, there was evidence of increased judicial independence during the year, including three cases in which the courts ruled against the Government: A libel case in which the courts ruled against the Prime Minister; a declaration that a presidential decree after the August mutinies was unconstitutional (see Section 3); and a ruling that the Government did not have the right to remove the Sultan of Zinder from his position and that only a traditional council of sultans could make such a decision. Although he won the court case, the former sultan was still being held by the Government on various criminal charges and faced trial on those charges at year's end.

Defendants and prosecutors could appeal a verdict, first to the Court of Appeals, then to the Supreme Court. The Court of Appeals reviewed questions of fact and law, while the Supreme Court reviewed only the application of the law and constitutional questions. There also were customary courts.

Traditional chiefs could act as mediators and counselors and had authority in customary law cases as well as status under national law where they were designated as auxiliaries to local officials. Chiefs collected local taxes and received stipends from the Government, but they had no police or judicial powers and could only mediate, not arbitrate, customary law disputes. Customary courts, located only in large towns and cities, tried cases involving divorce or inheritance. They were headed by a legal practitioner with basic legal training who was advised by an assessor knowledgeable in the society's traditions. The judicial actions of chiefs and customary courts were not regulated by law, and defendants could appeal a verdict to the formal court system. Women did not have equal legal status with men and did not enjoy the same access to legal redress (see Section 5).

Defendants had the right to counsel, to be present at trial, to confront witnesses, to examine the evidence against them, and to appeal verdicts. The Constitution affirms the presumption of innocence. The law provides for counsel at public expense for minors and indigent defendants charged with crimes carrying a sentence of 10 years or more. Although lawyers complied with government requests to provide counsel, the Government generally did not remunerate them. Widespread ignorance of the law prevented the accused from taking full advantage of these rights. There was only one defense attorney known to have a private practice outside the capital.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law generally requires that police conducting a search have a warrant, normally issued by a judge; however, human rights organizations reported that police often conducted routine searches without warrants. Police may conduct searches without warrants when they have strong suspicion that a house shelters criminals or stolen property. The State Security Law also provides for warrantless searches.

Following the August mutinies and before the presidential decree, gendarmes conducted searches of the houses of former military officers without a warrant and arrested several persons (see Section 3). Five officers and one civilian were arrested in connection with the August mutinies. Three were the officers who had previously been arrested for alleged involvement in Djibrilla's 2000 kidnaping (see Section 1.b.). They were rearrested after the August mutinies and remained in investigative detention at year's end.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, on several occasions the Government limited these rights in practice. On numerous occasions during the year, government officials initiated lawsuits against journalists for articles that either criticized them personally or criticized the armed forces or for complicity in libelous comments.

The Government published a French-language daily newspaper, *Le Sahel*, and its weekend edition. There were approximately 12 private French-language weekly or monthly newspapers, some of which were affiliated loosely with political parties. The private press remained relatively assertive in criticizing government actions. Foreign journals circulated and reported freely. Strict accreditation requirements were imposed on domestic and foreign journalists; however, there were no reports that any journalists have been denied accreditation. In November 2001, the Government eliminated the subsidies and preferential tax treatment on newsprint and other supplies.

The Government continued to use existing law to criminalize slander and libel and to prosecute, convict, and sentence to prison critics who infringe those laws in the judgment of the courts. Following the August mutinies, the Government issued a presidential decree banning press comment on military and security issues related to the August mutinies. Although the Government subsequently suspended the decree after the Supreme Court ruled it unconstitutional, several reporters and one human rights advocate were detained for statements that allegedly violated the decree. The charges included "disseminating false news" and "propagating information that could jeopardize national defense operations." In September the 75-year-old human rights activist, Bagnou Bonkoukou, was tried and sentenced to 1 year in prison for issuing a press release that disputed the Government's version of the August mutinies. The press release alleged that several persons were killed during the August mutiny in Diffa and called for an independent international investigation of the mutinies. After serving only 6 weeks of his sentence, Bonkoukou was released under a Presidential Decree that granted amnesty to pregnant women, the ill, and the elderly.

There were two cases pending for a *Canard Libere* journalist who was charged with libel against the Minister of

Agriculture and the Prime Minister. The case by the Minister of Agriculture was dropped; however, the journalist went to prison for 3 months for libel against the Prime Minister and was fined approximately \$143 (100,000 CFA). On August 12, an appeal was heard; however, the court confirmed the conviction.

Since literacy and personal incomes were both very low, radio was the most important medium of public communication. The government-owned Radio Voix du Sahel transmits 14 hours per day, providing news and other programs in French and several local languages. There were several private radio stations, including Radio France International, Africa Number One, Radio et Musique, Radio Souda, Radio Tenere, Radio Anfani, and Radio Tambara; the last five were owned locally and feature popular news programs in local languages, including Djerma and Hausa. These private radio stations generally were less critical of government actions than were the private newspapers. Radio Anfani and Radio et Musique presented news coverage that included a variety of points of view. The other private domestic radio stations were smaller and offered little domestic news programming. The government-operated multilingual national radio service provided equitable broadcasting time for all political parties during the year.

During the year, the Government's Superior Council on Communication continued to allow domestic broadcasting services to rebroadcast programs of foreign origin, such as Voice of America (VOA), British Broadcasting Corporation (BBC), Deutsche Welle programs, and Radio France International (RFI).

Television was a far less important medium than radio. The government-owned Tele-Sahel broadcast approximately 4 hours every evening, with programming emphasizing news in French and other major national languages. On weekends Tele-Sahel broadcast approximately 7 hours a day, with additional time devoted to sports and entertainment. The government-owned TAL-TV had a similar broadcast schedule. A private television station, TV Tenere, broadcast approximately 7 hours a day on weekdays and 12 hours a day on weekends. In addition to entertainment programs, TV Tenere transmitted its own evening news program, which included reports from French and Swiss sources, as well as other French language European news programs in their entirety. The director of a private radio station operated a wireless cable television service for the capital, offering access to international channels.

The news coverage of the state-owned media reflected government priorities. Presidential activities and conferences dealing with development issues always were reported. Analysis or investigative reporting on domestic topics was extremely rare.

SONITEL, the state-owned telephone company that was privatized partially in 2001, was the country's only Internet service provider (ISP). There were no private ISP's because telecommunications regulations set rates at prohibitive levels. The Government does not restrict access to the Internet through SONITEL, although service frequently had technical difficulties.

The Government did not restrict academic freedom. As a result of financial problems and student strikes, the 2001-2002 academic year was interrupted and started several months late. During the 2002-2003 academic year, some faculties started on time; however, others still were in the process of finishing the previous academic year and started late again.

b. Freedom of Assembly and Association

The Constitution provides for freedom of assembly; however, the Government retained the authority to prohibit gatherings either under tense social conditions or if advance notice (48 hours) was not provided. Political parties legally were permitted to hold demonstrations within a defined area. There were reports that the Government delayed approving the requests to demonstrate by political parties; however, there were no reports of political parties being denied permission for demonstrations during the year.

During the year, police used tear gas and water cannons to forcibly disperse several student protests against scholarship arrears and education austerity measures.

In early February, security forces forcibly dispersed a demonstration by truckers in N'Guigmi to protest against police harassment at security checkpoints. One person was killed and several others injured when security forces shot into the crowd of protesters. The Minister of the Interior visited the area to meet with civil society groups and representatives of the security forces and convey the Government's condolences to the victim's family. He ordered an investigation; however, there were no further developments by year's end.

Two students arrested following a demonstration in February 2001 remained in custody (see Section 1.d.).

The Constitution provides for freedom of association; however, citizens may not form political parties based on ethnicity, religion, or region. In reaction to rioting led by militant Islamic groups that engaged in or threatened violence in 2000, the Government banned six such organizations, and in September 2001, the Government banned two additional militant Islamic organizations; the eight organizations remained banned at year's end (see Section 2.c.). In June two representatives from one of these banned organizations were arrested for having engaged in political activity inappropriate for a religious organization by publishing pamphlets calling for Jihad against the West, and they remained detained in prison at year's end. There were 26 political parties.

c. Freedom of Religion

The Constitution provides for "the right of the free development of each individual in their...spiritual, cultural, and religious dimensions," and the Government generally respected the freedom to practice religious beliefs, as long as persons respect public order, social peace, and national unity.

No religious group was subsidized, although the Islamic Association, which acts as an official advisory committee on religious matters to the Government, had biweekly broadcasts on the government-controlled television station.

Religious organizations must register with the Interior Ministry. This registration was a formality, and there was no evidence that the Government has ever refused to register a religious organization. The Government must authorize construction of any place of worship; however, there were no reports that the Government refused such construction during the year. Foreign missionaries worked freely, but their organizations must be registered officially as associations.

The Government has banned eight Islamic organizations on the grounds that these organizations were responsible for "disturbing the peace" (see Section 2.b.). No mainstream Islamic organizations or human rights organizations have challenged the legality of the bans, which still were in effect at year's end.

There generally were amicable relations between the various religious communities; however, there have been instances when members of the majority religion (Islam) were not tolerant of the rights of members of minority religions to practice their faith. The cities of Say, Kiota, Agadez, and Madarounfa are considered holy by the local Islamic communities, and the practice of other religions in those cities was not as well tolerated as in other areas. Unlike in the previous year, there were no reports of riots by Muslims against Christians and no reports of arrests or beatings of Christians or persons who had worked with Southern Baptists.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for freedom of movement and restricts neither emigration nor repatriation; however, authorities imposed some restrictions on these rights for security reasons. Security forces at checkpoints monitored the travel of persons and the circulation of goods, particularly near major population centers, and sometimes demanded payments or bribes. Attacks by bandits on major routes to the north have declined considerably since 1996, but there have been regular reports of banditry, sometimes violent, over the past year.

The law does not provide for granting asylum or refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, although the country is a signatory to the Convention; however, the Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The UNHCR office in the country closed at the end of 2001; during the year, the UNHCR's regional office in Benin was responsible for the refugee assistance and protection in the country. The Government's interministerial National Refugee Eligibility Committee took over the UNHCR's refugee prescreening duties. The Government offers first asylum and has offered asylum to several thousand persons primarily from Mali and Chad. A few Chadian refugee families remained in the country.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their government, and citizens were able to exercise that right during the November 1999 election. However, this has not always been the case; the January 1996 coup, the fraudulent 1996 presidential election, the disruption of local elections in February 1999, and the April 1999

coup effectively disenfranchised citizens in previous years. The 1999 coup led to the installation of a military-led government, which instituted a 9-month transition to a democracy. A 1999 referendum approved a new Constitution that provided for a power-sharing presidential system and granted amnesty to perpetrators of the 1996 and 1999 coups. The Constitution also allowed governmental authorities to remain in place until new elections were held. In late 1999, the first round of presidential elections, a presidential runoff, and legislative elections were held. In November 1999, Tandja Mamadou was elected president with 60 percent of the vote in an election that was considered by international observers to be generally free and fair. Reportedly 39 percent of the country's population participated in the election. In the November 1999 National Assembly elections, the National Movement for the Development of Society and the Democratic and Social Convention (MNSD/CDS) coalition, which backed Tandja, won 55 of the 83 seats in the assembly. Five of the country's 11 active political parties are represented in the National Assembly.

Pursuant to the Constitution, the country has a power sharing presidential system with the President as head of state and the Prime Minister as head of government. The President must choose the Prime Minister from a list of three persons presented by the majority party or coalition in the National Assembly. In 2000 Tandja appointed Hama Amadou as Prime Minister.

The Constitution provides for a representative one-chamber National Assembly, and an independent judiciary. Citizens 18 years of age and over can vote, and voting is by secret ballot.

In August soldiers stationed in Diffa, the remote eastern part of the country, took several of their commanding officers hostage. The dispute reportedly was over claims for increased pay and benefits. Several days later, there also was an attempt by soldiers to raid an armory in Niamey. Both mutinies ended after loyalist forces intervened and negotiations ensued. The initial intervention by loyalist forces led to a skirmish that resulted in the death of two soldiers in Diffa, one mutineer and one loyalist. The Government arrested 272 persons in connection with the mutinies (see Sections 1.d. and 2.a.).

Women traditionally play a subordinate role in politics. The societal practice of husbands' voting their wives' proxy ballots effectively disenfranchised many women. This practice was used widely in the 1999 presidential and National Assembly elections. There was 1 woman in the 83-seat National Assembly; there were 4 female ministers in the Cabinet. The mayor of the city of Agadez, the capital of a district that included one-third of the country, is a woman. A 2000 law mandates that women receive 25 percent of government positions; however, by year's end, women still did not fill that percentage of government positions.

All major ethnic groups are represented at all levels of government. The Government supported greater minority representation in the National Assembly. There were eight seats at the National Assembly designated for representatives of "special constituencies," specifically ethnic minorities and nomadic populations. President Tandja, who reportedly is half Peul and half Kanouri, is the country's first president who is not from either the Hausa or the Djerma ethnic groups, which make up approximately 56 percent and 22 percent, respectively, of the country's population (see Section 5).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several independent human rights groups and associations generally operated without government restriction, investigating and publishing their findings and conclusions that often were highly critical of the Government in their own publications and in the small independent press. Notable among the associations were the Nigerien Association for the Defense of Human Rights (ANDDH); Democracy, Liberty, and Development (DLD); the Nigerien League for the Defense of Human Rights (LNDH); the Association for the Protection and Defense of Nigerien Human Rights (ADALCI); the Network for the Integration and Diffusion of the Rights in the Rural Milieu (RIDD-FITLA); the Niger Independent Magistrates Association (SAMAN); and the Association of Women Jurists of Niger. There were several other women's rights groups. The ICRC was active in the country.

In March 2001, the Government began funding the National Commission on Human Rights and Fundamental Liberties, which it had created in 2000. The Commission's mandate included communication, advocacy, and investigation of human rights abuses, and it has shown signs of independence since its creation. During the year, it produced reports on the 2000 kidnaping of a senior military officer, Major Djibrilla Hima, and the removal of the Sultan of Zinder. Elements of civil society successfully opposed a government attempt to alter the composition of the Commission in 2001; however, following the mutinies in August, the chairman of the Commission was removed from office. Some members claimed he was dismissed for mismanagement. The Commission promptly was restructured, and the Government added additional personnel to the Commission. Civil society members feared

that the restructuring would influence any investigation into the mutinies; however, the Commission decided not to investigate and instead planned to carry out training of the military to increase its awareness of basic human rights.

The Commission was made up of several subcommittees, including, Women and Children; Racial, Ethnic, and Religious Discrimination; Detention and Torture; and Protection of Human Rights. The Commission worked with local human rights groups and international organizations and was a member of the African Human Rights Commission as well as Francophone organizations. Commission projects included the drafting of legislation to ban discrimination against persons with HIV/AIDS, community outreach and education across the nation, translation of the Constitution into local languages, and the planning of a nationwide celebration for International Human Rights Day in December.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on sex, social origin, race, ethnicity, or religion. However, in practice there were instances of discrimination against women, children, ethnic minorities, and persons with disabilities, including, but not limited to, limited economic and political opportunities.

Women

Domestic violence against women was widespread, although reliable statistics were not available. Wife beating reportedly was common, even in upper social classes. Families often intervened to prevent the worst abuses, and women may (and did) divorce because of physical abuse. While women have the right to seek redress in the customary or modern courts, few did so due to ignorance of the legal system, fear of social stigma, or fear of repudiation. Women's rights organizations reported that prostitution often was the only economic alternative for a woman who wanted to leave her husband.

FGM was practiced by several ethnic groups in the western department of Tillaberi (which includes Niamey and the towns of Say, Torodi, and Ayorou) and the eastern department of Diffa. Health care workers also have noted a high prevalence of cases in Agadez and Maradi. In July 2001, the National Assembly passed a law to prohibit FGM that would have carried a prison sentence of 3 to 20 years; however, the law was rescinded and put under review to ensure that it complied with international standards. It was expected to be considered by the March to June 2003 session of the National Assembly as part of a reform of the justice system.

A 1998 study by CARE International indicated that 5 percent of women between 15 and 49 years of age had undergone FGM, and a 1998 national Demographic and Health Survey of 7,577 women cited the incidence of FGM as 4.5 percent; however, a 1999 symposium cited a World Health Organization global study of 20 percent. Clitoridectomy was the most common form of FGM. The Government took an active role in combating FGM and worked closely with a local NGO, UNICEF, and other donors to develop and distribute educational materials at government clinics and maternal health centers and participated in information seminars and publicity.

Prostitution, which is illegal and hidden, was more prevalent near major mining and military sites.

Despite the Constitution's provisions for women's rights, the deep-seated traditional belief in the submission of women to men resulted in discrimination in education, employment, and property rights. Discrimination was worse in rural areas, where women did much of the subsistence farming as well as childrearing, water- and wood-gathering, and other work. Despite constituting 47 percent of the work force, women have made only modest inroads in civil service and professional employment and remained underrepresented in these areas.

Women's inferior legal status was evident, for example, in head of household status: A male head of household has certain legal rights, but divorced or widowed women, even with children, were not considered to be heads of households. Among the Hausa and Peul ethnic groups in the east, some women were cloistered and could leave their homes only if escorted by a male and usually only after dark.

National service was mandatory for all young women who have completed university studies or professional training. National service lasted from 18 months to 2 years, and women could serve as teachers, health service workers, or technical specialists; however, military service was not permitted.

Children

Although the Constitution provides that the Government should promote children's welfare, financial resources got

this purpose were extremely limited. The minimum period of compulsory education was 6 years; however, only approximately 32 percent of children of primary school age attended school, and approximately 60 percent of those who finished primary schools were boys. The majority of young girls were kept at home to work and were married at a young age, rarely attending school for more than a few years, resulting in a female literacy rate of 7 percent compared with 21 percent for men. Literacy rates, particularly for girls, were even lower in rural areas.

Some ethnic groups allowed families to enter into marriage agreements under which young girls from rural areas were sent by the age of 10 or 12 and sometimes younger to join their husband's family under the tutelage of their mother-in-law. In 2000 the Minister of Justice formed a commission to examine the problem of child brides; the commission's work still was ongoing at year's end. In 2001 the National Assembly considered changing the law to prohibit this practice and establish a minimum age for marriage; however, no legislation was passed by year's end.

FGM was performed on young girls in many parts of the country (see Section 5, Women).

Child prostitution was a problem (see Section 6.f.).

Persons with Disabilities

The Constitution mandates that the State provide for persons with disabilities; however, the Government had not implemented regulations to mandate accessibility to buildings and education for those with special needs. Regulations do not mandate accessibility to public transport, of which there was little. Societal discrimination against persons with disabilities existed.

In August 2001, the mayor of Niamey reportedly established a program to locate, register, and put in psychiatric care persons with mental disabilities wandering the streets; however, by year's end, there was no evidence that this program was made operational. Observers reported that many persons with mental disabilities were rejected by their families due to the stigma surrounding mental illness in the country.

National/Racial/Ethnic Minorities

The Hausa and Djerma ethnic groups made up approximately 56 percent and 22 percent, respectively, of the country's population. These two groups also dominated government and business. Tandja Mamadou was the country's first president who is neither Hausa nor Djerma; however, Tuaregs, Arabs, Peuls, Toubous, and Kanouris had few representatives in the Government, and many of these ethnic groups asserted that the Hausa and Djerma groups discriminated against them. The Government increased education for ethnic minorities; health care for minorities was at the same level as the rest of the population. However, nomadic persons, such as Tuaregs and many Peul, continued to have less access to government services and continued to be dissatisfied with the Government. In July former Tuareg rebels protested that the Government was not implementing the 1995 peace accords. During the year, there was an increase in reports of banditry in the north that may have involved former Tuareg rebels turned criminals.

Limited security issues existed in the northern areas as a result of continued conflict over land use between farming and herding ethnic groups. In recent years, the Government undertook various educational and conciliation activities in the region. Occasionally tensions increased in limited areas, but no serious problems were reported during the year.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides formal recognition of workers' right to establish and join trade unions; however, more than 95 percent of the work force was employed in the nonunionized subsistence agricultural and small trading sectors.

The National Union of Nigerien Workers (USTN), a federation consisting of 38 unions, represents the majority of salary earners; most were government employees, such as civil servants, teachers, and employees in state-owned corporations. The USTN and affiliated National Union of Nigerien Teachers (SNEN) professed political autonomy, but they had informal ties to political parties. There were several breakaway union confederations and independent teachers' and magistrates' unions, including the Confederation of Forces of Democratic Workers (CFDT) and the Nigerien General Workers Union (UGTN), a new confederation of unions founded during the year. In January

2001, breakaway members of the USTN founded the Democratic Confederation of Niger's Workers (CDTN). The police union remained suspended.

The Labor code prohibited antiunion discrimination by employers, and labor unions reported no such discrimination.

The USTN was a member of the Organization of African Trade Union Unity and was affiliated with the International Confederation of Free Trade Unions; it received assistance from some international unions. Individual unions such as the teachers union were affiliated with international trade union secretariats.

b. The Right to Organize and Bargain Collectively

In addition to the Constitution and the Labor Code, there is a basic framework agreement between the USTN, employers, and the Government that defines all classes and categories of work, establishes basic conditions of work, and defines union activities. The Labor Code is based on International Labor Organization (ILO) principles, and it protects the right to organize. In private and state-owned enterprises, unions widely used their right to bargain collectively with management without government interference for wages greater than the statutory minimum as well as for more favorable work conditions. Collective bargaining also existed in the public sector. The USTN represented civil servants in bargaining with the Government. Agreements between labor and management applied uniformly to all employees.

The Constitution provides for the right to strike, except for security forces and police. The law specifies that labor must give notice and begin negotiations before work is stopped; public workers must maintain a minimum level of service during a strike; the Government can requisition workers to provide minimum service; and striking public sector workers may not be paid for the time they are on strike. The latter condition already prevailed in the private sector. The ILO has criticized a 1996 legal order that says striking state employees can be requisitioned in exceptional cases arising as a result of the need to preserve the general interest.

During the year, there were several strikes by education and health care workers, generally relating to fringe benefits and lack of good working conditions.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Labor Code prohibits forced or bonded labor, except by legally convicted prisoners; however, although slavery is prohibited by the Constitution, a traditional form of slavery or servitude still was practiced by the Tuareg and Arab ethnic minorities, particularly in remote northern regions and along the border with Nigeria. In July 2001, the National Assembly passed revisions to the Penal Code to include new punishable offenses for crimes related to the practice of slavery; however, because of a review of the revisions for their compliance with international standards, a presidential decree to implement the new revisions was not issued by year's end. Persons were born into a traditionally subordinate caste and were expected to work without pay for those above them in the traditional social structure. None of these individuals appeared to have been forced into slavery or servitude. Individuals can change their situations and were not pursued if they left their positions; however, most did not and accepted their circumstances as natural. A local NGO, Timidria, worked actively against this practice.

The Labor Code does not prohibit specifically forced and bonded labor by children, and there were credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family.

d. Status of Child Labor Practices and Minimum Age for Employment

The law permits child labor in nonindustrialized enterprises under certain conditions; however, law and practice prohibit child labor in industrial work. Children under the age of 14 must obtain special authorization to work, and those 14 to 18 years of age were limited to a maximum of 4½ hours per day and certain types of employment so schooling may continue.

The law requires employers to ensure minimum sanitary working conditions for children. Ministry of Labor inspectors enforced child labor laws.

Child labor practically was nonexistent in the formal (wage) sector, and there were no known instances of the use

of child labor in factories; however, children worked in the unregulated agricultural, commercial, and artisan sectors, and some--especially foreign--youths were hired in homes as general helpers and baby sitters for very low pay. The majority of rural children regularly worked with their families from a very early age--helping in the fields, pounding grain, tending animals, getting firewood and water, and other similar tasks. Some children were kept out of school to guide a blind relative on begging rounds. Others sometimes were employed by marabouts (Koranic teachers) to beg in the streets (see Section 6.f.). There was no official recognition of this labor.

The Ministry of Labor, which was responsible for implementing ILO Convention 182 on the Worst Forms of Child Labor, was working with UNICEF and the International Program on the Elimination of Child Labor to determine the extent of the problem in the country. The Ministry of Labor did not provide a report by year's end.

There were reports that forced and bonded labor by children occurred (see Section 6.c.).

e. Acceptable Conditions of Work

The Labor Code establishes a minimum wage for salaried workers of each class and category within the formal sector; however, minimum wages were not sufficient to provide a decent standard of living for workers and their families. The lowest minimum wage was \$27 (18,898 CFA francs) per month. Additional salary was granted at \$1.43 (1,000 CFA francs) per month per child. Government salaries substantially were in arrears. Most households had multiple earners (largely in informal commerce) and relied on the extended family for support.

The legal workweek was 40 hours with a minimum of one 24-hour rest period; however, for certain occupations the Ministry of Labor authorized longer workweeks of up to 72 hours. There were no reports of violations at year's end.

The Labor Code also establishes occupational safety and health standards; however, due to staff shortages, inspectors focused on safety violations only in the most dangerous industries: Mining, building, and manufacturing. Although generally satisfied with the safety equipment provided by employers, citing in particular adequate protection from radiation in the uranium mines, union workers in many cases were not well informed of the risks posed by their jobs. Workers have the right to remove themselves from hazardous conditions without fear of losing their jobs; however, in most cases this did not occur in practice.

The Labor Code protects both legal and illegal foreign workers and entitles them to remuneration from the employer even in the case of a labor dispute in the informal sector; however, claims by illegal workers were rare.

f. Trafficking in Persons

The law does not prohibit trafficking in persons, and there were reports of trafficking. There also was evidence that the country is a transit point and destination for a small number of trafficked persons. Internal trafficking occurred, and there was anecdotal evidence that clandestine networks victimized young girls who come to work as household helpers.

Internal trafficking of young boys for labor and young girls for prostitution was more common from rural to urban areas. There were credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family. Child prostitution is not criminalized specifically, and there was no precise age of consent; however, the law prohibits "indecent" acts towards minors. It was left to a judge to determine what constituted an indecent act. Such activity and a corollary statute against "the incitement of minors to wrongdoing" were punishable by 3 to 5 years in prison.

Trafficking in persons generally was conducted by small-time operators who promised well-paid employment in the country. Victims, primarily from Benin, Togo, Nigeria, and Ghana, were escorted through the formalities of entering the country, where they found that their employment options were restricted to poorly paid domestic work or prostitution. Victims also must use a substantial portion of their income to reimburse the persons who brought them to the country for the cost of the trip. Compliance was enforced by "contracts," which were signed by illiterate victims before they departed their countries of origin; alternatively, the victim's travel document simply was seized. A local NGO also reported that some rural citizen children were victims of domestic trafficking in which the victim (or his/her family) was promised a relatively decent job only to be placed in a home to work as a servant. The victims must use their earnings to reimburse the persons who brought them to the city.

Internal trafficking, which was rooted in the traditions and poverty that underlie the country's largely informal economy, included the child marriages of girls and the indenturing of boys to Koranic teachers (see Section 6.d.).

In response to economic hardship, some parents arranged for their young daughters to marry older men, presumably without their consent, and then sent them to join their husband's families. Similarly some rural parents sent their sons to learn the Koran in the cities where, in return for their education, the boys supported their teachers by begging on the streets.

In August 2001, a Nigerian national was arrested for attempting to escort eight young women from Nigeria through the country on their way to Italy, allegedly for prostitution. There was no available information on this case at year's end.

In September 2001, a 17-year-old former slave from Niger addressed the U.N. Conference Against Racism in South Africa. She told the conference she had been brought up in slavery, like her mother and grandmother (see Section 6.c.). At the age of 15, the Tuareg clan sold her for \$300 (223,500 CFA francs) to a trader in Nigeria, from whom she escaped. Although slavery and slave trading is illegal, there were media reports that black slaves continued to be held and traded by some Tuareg clans, particularly in remote areas of the north and along the border with Nigeria.

In 2000 the Justice Minister stated that the Government intended to study the issue of trafficking as part of the more comprehensive legal modernization effort launched by a commission of legal experts (see Section 1.e.). There still was no report by the commission by year's end.